

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
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JEREMIAH YOUNG-FLYNN,

Plaintiff,

9:05-CV-0983  
(GLS/RFT)

v.

ALAN J. CROCE, Chairperson, NYS Commission of  
Corrections; MICHAEL DONEGAN, Counsel,

\_\_\_\_\_  
Defendants.

APPEARANCES:

JEREMIAH YOUNG-FLYNN  
Plaintiff, *pro se*

GARY L. SHARPE, DISTRICT JUDGE

### ORDER

By Decision and Order of this Court, *pro se* plaintiff Jeremiah Young-Flynn was directed to submit an amended complaint which complies with the pleading requirements of Rules 8 and 10 of the Federal Rules of Civil Procedure, if he wished to avoid dismissal of this action. Dkt. No. 4 at 5-7.<sup>1</sup>

Young-Flynn has filed an amended complaint which is before this Court for review. Dkt. No. 7. The amended complaint names “Dr. Timothy Whalen” and “Nurse Administrator Downe” as defendants, and sets forth claims that these defendants were deliberately indifferent to, and denied Young-Flynn proper care for, his serious medical conditions. In drafting his amended complaint, Young-Flynn has substantially complied with the pleading requirements of the Federal Rules and the terms of this Court’s prior Decision and Order.

The Court notes, however, that the amended complaint is devoid of any

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<sup>1</sup> Plaintiff’s *in forma pauperis* application was granted by that Order. *Id.* at 7.

allegations of wrongdoing against the two defendants named in the original complaint. Accordingly, these individuals – Alan J. Croce and Michael Donegan – are dismissed as defendants in this action.

WHEREFORE, it is hereby

ORDERED, that defendants Croce and Donegan are dismissed as defendants in this action. The Clerk of the Court shall revise the docket to reflect the dismissal of these defendants and to identify “Dr. Timothy Whalen,” and “Nurse Administrator Downe” as the defendants herein, and it is further

ORDERED, that the Clerk issue summonses and forward them, along with copies of the amended complaint, to the United States Marshals Service for service upon the defendants, together with a copy of this Order. The Clerk of the Court shall also forward a copy of the summons and amended complaint to the Office of the New York State Attorney General, together with a copy of this Order, and it is further

ORDERED, that a formal response to the amended complaint be filed by the defendants or their counsel as provided for in the Federal Rules of Civil Procedure subsequent to service of process on the defendants, and it is further

ORDERED, that all pleadings, motions and other documents relating to this action be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367.

**Any paper sent by a party to the Court or the Clerk shall be accompanied by a certificate setting forth the date a true and correct copy of it was mailed to all opposing parties or their counsel. Any letter or other document received by the**

**Clerk or the Court which does not include a proper certificate of service is to be returned without processing.** Young-Flynn shall comply with any requests by the Clerk's Office for any documents that are necessary to maintain this action. Motions must comply with Local Rule 7.1 of the Northern District of New York and are to be made returnable before the assigned Magistrate Judge on any business day with proper allowance for notice as required by the Rules. **Young-Flynn must promptly notify the Clerk's Office of any change in his address; his failure to do so will result in the dismissal of this action.** All motions will be decided on submitted papers, without oral argument, unless otherwise ordered by this Court, and it is further

ORDERED, that the Clerk of the Court serve a copy of this Order on Young-Flynn by regular mail.

IT IS SO ORDERED.

Dated: February 15, 2006  
Albany, New York

  
Gary L. Sharpe  
U.S. District Judge